

Article 7: Elections, Campaign Finance and Lobbying

Division 27: Recall

(“Recall” added 7–9–1968 by O–9839 N.S.; formerly Division 16.)

§27.2701 Officials Subject to Recall

Any official elected by City–wide vote who has held office for six (6) months or more, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority vote of the voters of the City. A City Councilmember who was elected by district vote and has held office for six (6) months or more, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority of the voters in the district represented by the Councilmember.

(Amended 6–12–1989 by O–17311 N.S.)

§27.2702 Petition to be Filed with Clerk

Any recall petition demanding the submission to the people of a proposal to recall the incumbent of an elective office and, if such official is recalled, to elect a successor, shall be filed in the office of the Clerk. No petition may be addressed to the recall of more than one official.

(“Petition to be Filed with Clerk” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1602 and Sec. 27.1614.)

§27.2703 Number of Signatures Required

For any official elected by City–wide vote, no recall petition shall be submitted to the people unless it contains the signatures of at least fifteen percent of the voters of the City. For a Councilmember who was elected by district vote, a recall petition shall contain the signatures of at least fifteen percent of the voters of the councilmanic district for the office held.

(Amended 6–12–1989 by O–17311 N.S.)

§27.2704 Notice of Intention

No recall petition may be circulated until the proponents have published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the name and office of the person sought to be recalled and a statement containing in three hundred words or less the reasons for the petition. The

statement must be signed by the individual proposing the petition or, in the case of an organization, by two officers.

(“Notice of Intention” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1605.)

§27.2705 Affidavit of Publication

Within ten days after publication of the notice of intention to circulate a recall petition, the proponents shall file in the office of the Clerk a copy of the notice and the statement as published and an affidavit of publication in a form satisfactory for the Clerk’s verification of publication.

(“Affidavit of Publication” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1606.)

§27.2706 Service of Notice on Official

Within five days after publication of the notice of intention to circulate a recall petition, the proponents shall cause a copy of the notice and the statement to be served, personally or by registered mail, on the official whose recall is sought. An affidavit of service showing the method of service shall be filed in the office of the Clerk.

(“Service of Notice on Official” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1607.)

§27.2707 Official’s Answer

Within fourteen days after the publication of the notice of intention to circulate a recall petition, the official whose recall is sought or his designated representative may answer to the statement. Such answer shall be three hundred words or less in length and must be signed by the individual proposing the answer or, in the case of an organization, by two officers. A copy of the answer, if any, shall be published by the proponents at least once in a daily newspaper of general circulation. A published copy shall also be filed forthwith in the office of the Clerk.

(“Official’s Answer” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1608.)

§27.2708 Circulation of Petition

A recall petition may be circulated on the twenty–first day after publication of the notice of intention and statement, providing that a copy of both the notice and the affidavit pertaining to publication, as well as the affidavit of service, have been filed in the office of the Clerk, as required.

(“Circulation of Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1610.)

§27.2709 Contents of Petition

A recall petition shall contain the name and office of the person whose recall is sought, a copy of the notice of intention to circulate a recall petition and its accompanying statement, and if an answer has been filed, a copy of the answer. If no answer has been filed, the petition shall so state.
("Contents of Petition" added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1611 and Sec. 1612.)

§27.2710 Recall Petition

The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches or greater than 8-1/2 by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:

RECALL PETITION

PETITION FOR THE RECALL OF

FROM THE OFFICE OF

(The title in the form prescribed above with the blank spaces filled in shall be set forth in full at the top of each page of the petition.)

We, the undersigned registered voters of (The City of San Diego, California) (San Diego Unified School District) demand the recall of

from the office of

The following are the reasons for demanding such recall:

(Here insert a copy of the published notice of intention and accompanying statement and the answer, if any. If the officer has not answered, a statement to that effect shall be inserted here.)

Signature of Proponent

Residence

Date

(Note: If an organization is seeking the recall of an officer the statement shall be signed by two officers of the organization.)

(Amended 6-12-1989 by O-17311 N.S.)

§27.2711 Form of Voter Signature Sheets for Recall Petition

- (a) Voter signature sheets shall be arranged and lined to provide space for the voter's signature, voter's printed name, place of voter's residence, and date of voter's signature. A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the use of the City Clerk in verifying the petition.
- (b) Signature sheets shall be in substantially the following form:

<i>NAME</i>	<i>RESIDENCE</i>	<i>DATE</i>	<i>(Clerks Use Only)</i>
<i>SIGN</i> _____	_____		
<i>PRINT</i> _____	_____		
<i>SIGN</i> _____	_____		
<i>PRINT</i> _____	_____		
<i>SIGN</i> _____	_____		
<i>PRINT</i> _____	_____		

(NOTE: Recall Petitions for Mayor, City Attorney and those Councilmembers elected by City-wide vote may be signed by any voter of the City. Recall Petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)

(“Form of Voter Signature Sheets for Recall Petition” amended 11-24-1997 by O-18442 N.S.)

§27.2712 Form of Affidavit of Authenticity for Recall Petition

Each recall petition shall have attached to it an affidavit of authenticity of a voter, of following form:

AFFIDAVIT

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

Under penalty of perjury I, (printed name of circulator), declare: That I am a registered voter of (The City of San Diego) (San Diego Unified School District) and that all the signatures on each petition section were made in my presence and were observed by me, and that all of the sheets constituting this petition section were fastened together at the time such signatures were made; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons who have signed the petition; and that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)
_____		_____
(Circulator's Residence)		(Date Signed by Circulator)

("Form of Affidavit of Authenticity for Recall Petition" amended 11-24-1997 by O-18442 N.S.)

§27.2713 Signatures on Petition

A recall petition for any official elected by City-wide vote may be signed by any voter of the City of San Diego. Recall petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember. Signatures invalidated by the Clerk may not be counted. *(Amended 6-12-1989 by O-17311 N.S.)*

§27.2714 Signing Voter's Information for Recall Petition

Signatures shall be executed by voters in their own handwriting and each signer shall also affix his or her printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses

are not permitted and, if used, shall make that voter's signature invalid. Voters shall also affix the date of their signature.

("Signing Voter's Information for Recall Petition" amended 11-24-1997 by O-18442 N.S.)

§27.2715 Time for Filing Petition

A recall petition and, if filed, a supplemental petition, shall be filed in the office of the Clerk within sixty days after the publication of the notice of intention to circulate a recall petition.

("Time for Filing Petition" added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1613.)

§27.2716 Verification of Petition; Time; Random Sampling

The Clerk shall be allowed a period of thirty days after the filing of a recall petition to examine and verify signatures of the petitioners. He shall indicate on each petition the date on which it was filed and the name of the person by whom it was filed.

Signatures may be verified by use of the random sampling method set forth in Section 3708 of the California Elections Code. In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the petition by the random sampling method, the City Clerk shall proceed to verify the sufficiency of each signature on the petition if the elector so challenging posts with the City Clerk such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.

(Retitled to "Verification of Petition; Time; Random Sampling" and amended 4-24-1978 by O-12339 N.S.)

§27.2717 Notice of Sufficiency

If the Clerk finds a recall petition, including, if filed, a supplemental petition, to contain the requisite number of valid signatures and to be in proper form, he shall so certify and shall send a notice of sufficiency to a representative of the proponents. Without delay, the Clerk shall then present the petition with his certification attached to the Council.

("Notice of Sufficiency" added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1615.)

§27.2718 Notice of Insufficiency

If the Clerk finds a recall petition, including, if filed, a supplemental petition, to contain less than the requisite number of valid signatures or to be in improper form, he shall so certify and shall send a notice of insufficiency to a representative of the proponents.

(“Notice of Insufficiency” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1617.)

§27.2719 Supplemental Petition

At any time prior to the Clerk’s issuance of a notice of sufficiency or within thirty days after the Clerk’s issuance of a notice of insufficiency, one supplemental petition may be filed in the office of the Clerk. The Clerk shall indicate on the supplemental petition the date on which it was filed and the name of the person by whom it was filed.

(“Supplemental Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1615.)

§27.2720 Time for Clerk: Verification of Supplemental Petition

The Clerk shall be allowed thirty days from the filing date of the supplemental petition in which to verify the signatures.

(“Time for Clerk: Verification of Supplemental Petition” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1615.)

§27.2721 Withdrawal of Signature

Any person signing a petition or supplemental petition may withdraw his signature by filing a written request bearing his signature in the office of the Clerk prior to the time the petition or supplemental petition containing his signature is filed.

(“Withdrawal of Signature” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1615.)

§27.2722 Special Election to be Called

If the petition is presented to the Council by the Clerk, the Council shall immediately call a special election for the purpose of submitting to the people the proposal to recall the official named in the petition, and if such official is recalled, to elect a successor

(“Special Election to be Called” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1619.)

§27.2723 Time for Special Election

If a special election is called, it shall be held not less than sixty (60) days after adoption of the ordinance calling the election but not later than ninety (90) days after such adoption. For an official elected by City-wide vote, if any other election for any purpose at which all voters in the City of San Diego are entitled to vote is called to be held within one hundred twenty (120) days from the date the recall petition is presented to the Council, then the Council may, at its discretion, submit the recall proposal and election of a successor at the latter election. For a Councilmember who was elected by district vote, if any other election for any purpose at which the voters in the district represented by the Councilmember are entitled to vote is to be held within one hundred twenty (120) days from the date the recall petition is presented to Council, then the Council may, at its discretion, submit the recall proposal and election of a successor at the later election.

(Amended 6-12-1989 by O-17311 N.S.)

§27.2724 Recall Election to Conform to other Elections

The Clerk shall conduct the recall election, including the nomination of candidates to succeed the official whose recall is sought, in a manner conforming with other municipal elections to the extent practicable.

(“Recall Election to Conform to other Elections” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1622 thru Sec. 27.1627 and Sec. 27.1636.)

§27.2725 Contents of Recall Ballots

Recall ballots shall contain the name and office of the official whose recall is sought and the names of the persons who have been nominated to succeed the official whose recall is sought. The statement which the proponents published in the notice of intention and the answer, if any, of the official whose recall is sought, shall be printed on the sample ballot and the official ballot or, at the discretion of the Clerk, printed separately and included in a pamphlet to be mailed with the sample ballot. In the latter case, the official ballot shall not contain the notice or answer.

(“Contents of Recall Ballots” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1628 and Sec. 27.1629.)

§27.2726 Validity of Votes Cast

No vote cast for a candidate shall be counted unless the voter also voted on the recall question.

(“Validity of Votes Cast” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1613.)

§27.2727 Reelection or Reappointment Prohibited for One Year

A person who has been recalled, or who has resigned from office while recall proceedings were pending against him, shall not be a candidate for nor appointed to such office within one year after his resignation or recall.

(“Reelection or Reappointment Prohibited for One Year” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1631 and Sec. 27.1639.)

§27.2728 Separate Ballot Required

A recall ballot shall be separate from any other ballot to be presented to the voters at one election. However, the recall of more than one official may be sought at one election on one ballot.

(“Separate Ballot Required” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1618 and Sec. 27.1621.)

§27.2729 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of his office until the Council has adopted its resolution declaring the results of the election which shows that a majority of the qualified voters have voted in favor of such officer’s recall.

(Amended 6–12–1989 by O–17311 N.S.)

§27.2730 Cancellation of Election if Office Becomes Vacant

If from any cause a vacancy in the position occupied by the official whose recall is sought occurs after the filing of the certificate of sufficiency by the Clerk and prior to the election, the election shall not be held.

(“Cancellation of Election if Office Becomes Vacant” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1634.)

§27.2731 Highest Number of Votes Determines Candidate Elected

If a majority approve the recall of the official and the Council adopts its resolution declaring the results accordingly, the candidate who receives the highest number of votes for the office shall be declared the winner whether or not such highest number constitutes a majority of the votes cast.

(“Highest Number of Votes Determines Candidate Elected” added 7–9–1968 by O–9839 N.S.; formerly Sec. 27.1635 and Sec. 27. 1637.)

§27.2732 Election for Unexpired Term of Officer Recalled

The term of office of a successor elected pursuant to this article shall be for the unexpired term of his predecessor.

(“Election for Unexpired Term of Officer Recalled” added 7-9-1968 by O-9839 N.S.; formerly Sec. 27.1640.)